

BILL ANALYSIS

C.S.S.B. 140
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Due to the recent epidemic of video recordings being produced via hidden broadcast cameras in locker rooms, bathrooms and other various places, that are then being promoted on the web and other places, without the consent of the person recorded, legislation is necessary to protect those individuals who are unaware of the fact they are being promoted in improper ways.

In addition, some municipalities have promulgated unconstitutional ordinances that purposefully attempt to regulate political signs--even to a greater degree than that same municipality regulates commercial signs, thus invalidating any supposed argument that the ordinance could possibly satisfy a compelling health or safety concern.

C.S.S.B. 140 prohibits the promotion of electronic recordings in regards to the rights of those persons recorded and protects the rights of citizens to place signs on private property, out of the right of way, without infringement from a local government.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 140 amends the Penal Code to make it a state jail felony offense if a person promotes a photograph or visual recording, knowing the character and content of the photograph or recording, taken without the other person's consent and with the intent to arouse or gratify the sexual desire of any person. If the conduct also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.

C.S.S.B. also amends the Local Government Code to prohibit a municipal charter or ordinance, when addressing political signs located on private real property, from prohibiting the placement of the sign, requiring permits, imposing fees, or otherwise restricting the size of the sign as compared to other types of signs. The provisions contained in the bill do not apply to billboards, that are generally available for rent, that carry a political message.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original bill by including provisions prohibiting a municipal charter or ordinance, when addressing political signs located on private real property, from prohibiting the placement of the sign, requiring permits, imposing fees, or otherwise restricting the size of the sign as compared to other types of signs.